



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

April 15, 2008

0804-VS-05

Exhibit 1

PETITION NUMBER:	0804-VS-05
SUBJECT SITE ADDRESS:	3249 East State Road 32
APPELLANT:	Anytime Fitness, Kirk Lawrence
REQUEST:	This variance of standard request is to allow for an increase in the allowable center in-line tenant sign area from 48.4 square feet to 62 square feet for a tenant in the Carey Shops non-residential center (WC 16.06.080, I5a).
CURRENT ZONING:	LB
CURRENT LAND USE:	Retail
APPROXIMATE ACREAGE:	1.74
RELATED CASES:	0512-DP-38 (Development Plan) 08-S-002 (Sign Permit, Pending) EN07-12-28 (Enforcement Case)
EXHIBITS:	1. Staff Report, 04/15/08 2. Aerial Location Map, 04/15/08 3. Property Card, 04/15/08 4. Appellant's Application and Plans, 03/17/08
STAFF REVIEWER:	KMT

PROPERTY HISTORY

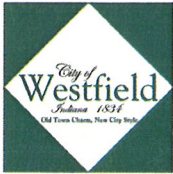
The development plan and site plan for the subject property were approved by the Advisory Plan Commission on February 27, 2006 (0512-DP-38). The development plan approval was for the entire commercial center, with the exception of the southeast corner of the site which was identified on the plans as "future development."

There are no previous variances, special exceptions, subdivision plats, or rezoning cases for the subject property. There are no additional development plan and site plan approvals for the subject property.

The subject property has been in code enforcement for the subject sign since December 10, 2007 (EN07-12-28). The sign has been mounted to the wall without approval from the City. Code Enforcement has allowed the sign to remain mounted, but not illuminated, until the resolution of this variance case. There are no additional pending enforcement cases on record for the subject property.

ANALYSIS

The submitted plans indicate that the subject sign (logo sign) is approximately 22 square feet in size. The existing sign on the northern facade is approximately 40 square feet. The tenant space is allowed 48.4 square feet of signage. The request is to allow a 22 percent increase in allowable signage for the tenant, or an additional 13.6 square feet in signage.



An eight thousand (8,000) square foot retail structure has been approved to be constructed to the north and east of the existing multi-tenant structure that houses the appellant's business (between the existing structure and Carey Road).

Staff's research has found that commercial-retail uses are allowed in ten (10) of the City's approved Planned Unit Developments (PUD). Each of these PUDs has its own set of sign standards. Five (5) of the ten (10) PUDs allow for greater sign area than the City's Zoning Ordinance allows – the other five (5) PUDs calculate sign area using the same formula the City uses. Of the five (5) that allow for more, four (4) allow for 100 percent more signage than the Zoning Ordinance allows. The fifth PUD allows for 25 percent more signage than the Zoning Ordinance allows. Two (2) PUDs in the vicinity of the subject property (Oak Manor and Oak Manor North) allow for 100 percent more signage than the Zoning Ordinance allows. In the recent past, the City has been amenable to increasing the allowable sign area for commercial centers.

The Westfield-Washington Township Comprehensive Plan recommends that this area develop as local commercial. A fitness center and the existing commercial center comply with recommendations of the Plan.

PROCEDURAL

If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

STANDARDS FOR VARIANCE REQUEST

1. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: The intent of limiting allowable sign area to an individual business or building is to protect the community from visual clutter in its commercial centers. The tenant space in question is an end space in a multi-tenant structure. As such, only a single business could utilize the exterior wall in question (the east wall) for wall signage. The east wall is approximately 80 feet in length (according to the approved development plan, 0512-DP-38). Placing a 22 square foot sign on an 80 foot wall would meet the intent of limiting visual clutter in commercial centers and on commercial structures. Because the proposed sign would be located on a wall that would not be visually cluttered by signage, it is unlikely that allowing more wall signage for the subject tenant would be injurious to the public health, safety, morals, and general welfare of the community.



2. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Finding: Neighboring properties are used commercially and are permitted a varied amount of signage. Properties within the subject center, Carey Shops, and across SR 32 to the north, Westfield Crossing, are allowed one (1) square foot of signage for every linear foot of building frontage/tenant frontage. The commercial centers to the east, Westfield Marketplace, and to the northeast, Oak Manor North are regulated by PUDs that allow two (2) square feet of signage for every linear foot of building/tenant frontage. Because there is a wide range of permitted signage within the vicinity of the subject property, it is unlikely that the use and value of the area adjacent to the subject property would be negatively affected.

3. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Finding: Signage for a business has two main purposes: advertising and business identification. The Zoning Ordinance does not preclude the installation of signage for businesses on the subject property; however, once the proposed 8,000 square foot structure to the north and east is constructed, visibility of the subject tenant space from Carey Road could be limited. Allowing a larger sign could help mitigate any negative impact the 8,000 square foot structure would have on the tenant's ability to advertise and identify the business that occupies the subject tenant space.

APPLICABLE CONDITIONS

1. That no additional signage, including window signage, be allowed on the north or east facades of the subject tenant space; and,
2. That the subject sign not be relocated or repositioned on the east wall from its existing location;

RECOMMENDATIONS

Approve this request based on the findings of this report.

KMT



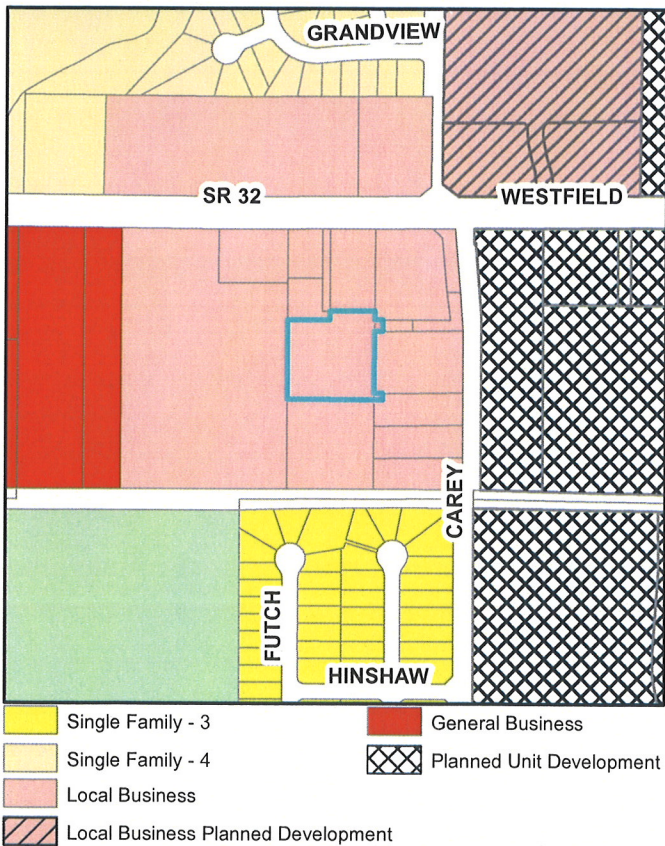
0804-VS-05
08-10-06-00-00-012.001
3249 East State Road
Exhibit 2



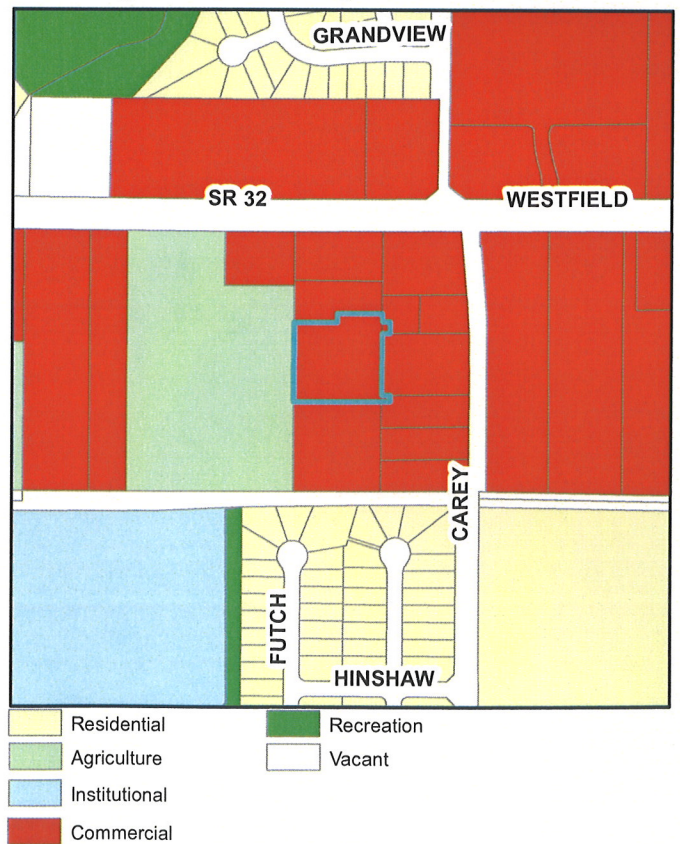
Aerial Location Map



Zoning Map



Existing Land Use Map



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Official government site of Hamilton County, Indiana

Online Services

Parcel Information Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:**The information available through this program is current as of 3/10/2008.**

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Parcel No: 08-10-06-00-00-012.001	
Property Address: 0 Carey Rd WESTFIELD, IN 46074	Deeded Owner: Peacock Carey Shops LLC Owner Address: 836 64th St E INDIANAPOLIS , IN 46220
Legal Description: 11/2/07 split 1.70 ac fr 012.000, .03 ac fr 013.003 & .01 ac fr 013.004 fr Peacock Carey LLC for 2008 pay 2009 2007-62153 * see notes	
Section/Township/Range: 06/18/04	
Subdivision Name:	
Block:	
Deeded Acres: 1.74	
Political Township: Washington	
Lot Number(s):	
Most Recent Recorded Date: 11/2/2007 (Recorded Date might be due to a variety of changes; such as annexation, right-of-way, split, or deed.)	

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TOWN OF WESTFIELD, INDIANA

Petition Number:

Date of Filing:

0804VS05
3/18/08

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name
Address

Telephone Number
E-Mail Address

Kirk+Nancy Lawrence
Anytime Fitness Westfield
3249 E. St. Rd. 32 Westfield, IN 46074
(317) 867-4567 cell: 317-728-8006
westfieldin@anytimefitness.com

2. Landowner's Name
Address

Telephone Number

Michael Huse, Peacock Companies
836 East 6th St.
Indianapolis, IN 46220
(317) 253-3447

3. *Representative
*Address

*Telephone Number
*Email Address

Same as Appellant
Use Appellant Cell # above

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)

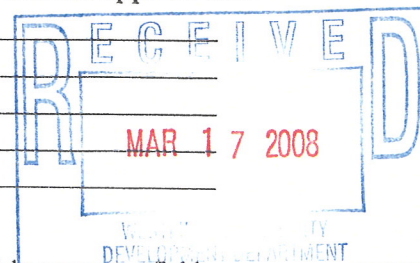
Our Anytime Fitness Westfield location is in the SW corner of St. Rd. 32 and Grey Rd. Our address is 3249 E. St. Rd. 32 Westfield, IN 46074, and we are located behind Walgreen's and National City Bank (NCB).

5. Legal description of property (list below or attach)

Sect-06 Twp-18 Range-04 Acres-0.10
7/10/91 Book 8
Parcel No: 08-10-06-00-00-013.003

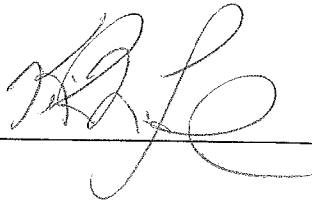
6. Complete description of the nature of the development standard variance applied for:

WC 16.08.010 I.S.a.
Sign area allotment



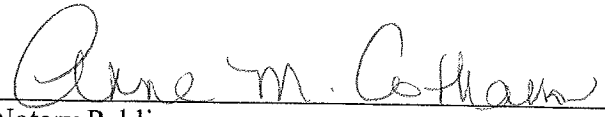
TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.



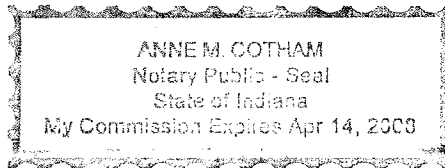
Applicant

SUBSCRIBED AND SWORN TO ME THIS 18 DAY OF March, 2008.



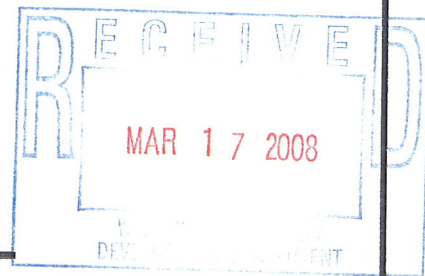
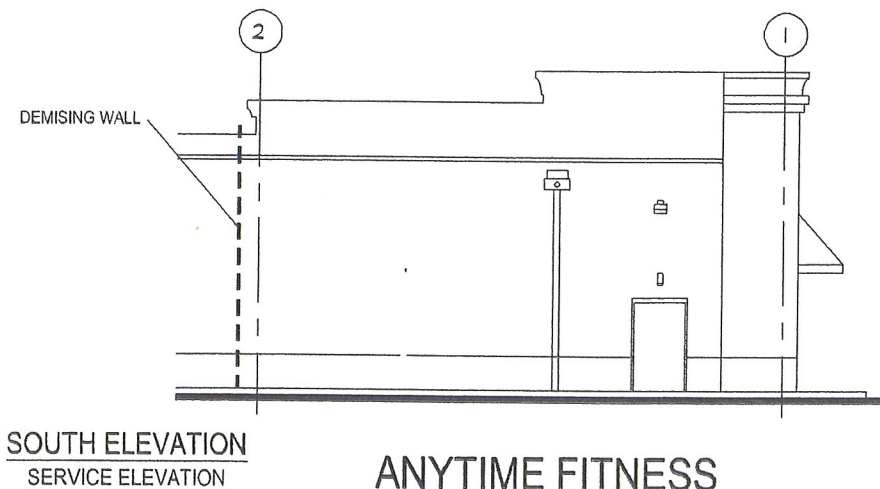
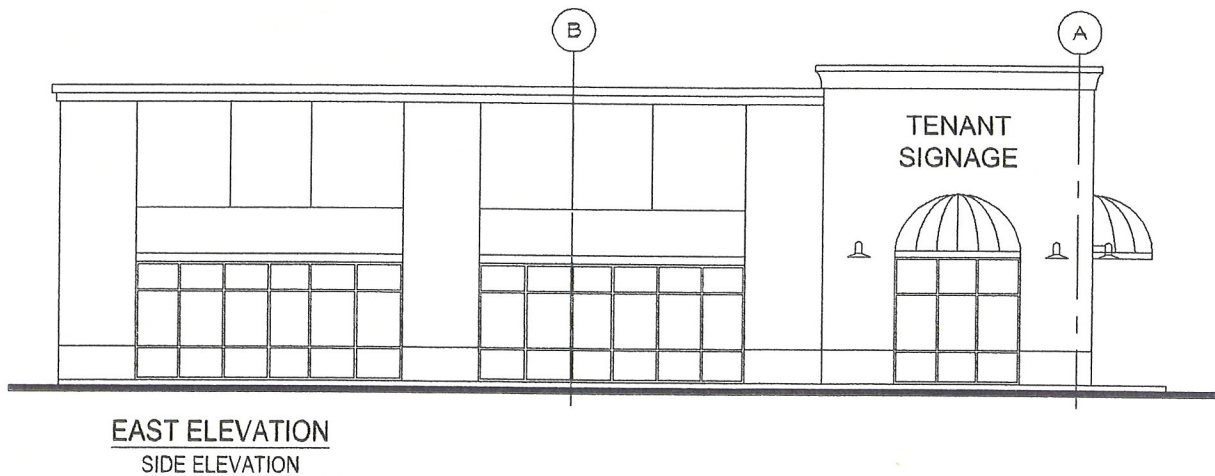
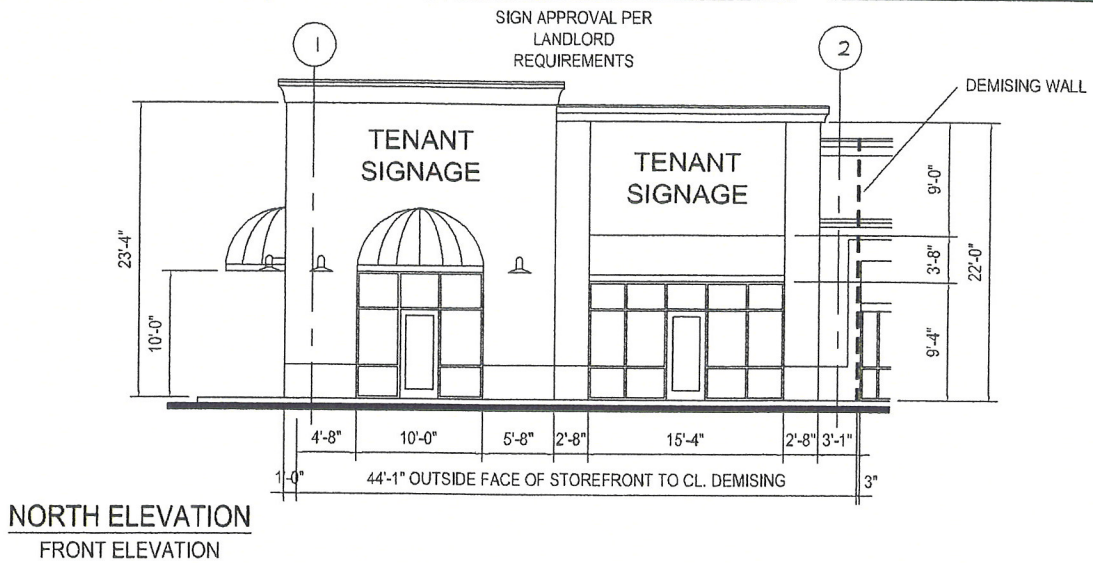
Notary Public

My commission expires: April 14, 2008

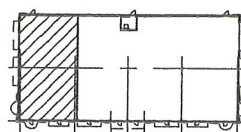


RECEIVED
MAR 17 2008
CIVIL ENGINEERING





PROJECT: **CAREY SHOPS**
STATE RD. 32 & CAREY AVE
PROJECT No: **A07602**
DATE: **NOVEMBER 20, 2007**



 **KEY PLAN**
13,200 SQ FT

SHEET No. **LOD-B**
REFERENCE SHEET No: **--**
SQUARE FOOTAGE: **3,527**

Lamson & Condon
ARCHITECTURE
INTERIOR DESIGN
151 North Delaware Street, Suite 151
Indianapolis, IN 46204
(317) 266-9850 Fax (317) 266-0468


COMMERCIAL REAL ESTATE SERVICES
835 E. 64th Street
Indianapolis, Indiana 46220
Ph (317) 253-3447 Fx (317) 205-9597

Hutchison Signs

INCORPORATED

of Indianapolis

DESIGN U.L. MANUFACTURING INSTALLATION SERVICE

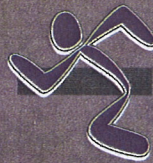
317-894-8787 FAX: 317-894-8778

PARKING LOT LIGHTING INSTALLATION & SERVICE

215 SOUTH MUNSIE STREET INDIANAPOLIS, IN 46229

82' side elevation

5'



5/8 WHITE OUTLINE AROUND PURPLE

SIGN TYPE

CHANNEL LETTERS

RETURN/TRIMCAP

WHITE/BLACK

ILLUMINATION

WHITE LED'S

FACES

WHITE ACRYLIC W/
PURPLE VINYL OVERLAY

SPECIAL CONDITIONS

RACEWAY MOUNT

CLIENT **ANYTIME FITNESS**
ADDRESS **3242 St Rd 32 Westfield, IN**
PHONE **728-8006**
SALES REPRESENTATIVE **Danny Burton**

DATE **12/4/07**
SCALE **3/16"=1'-0"**
DRAWING NUMBER **07DB-4033L**
DESIGN BY **wph II**

I accept this specific drawing as correct and make it my choice for production by Hutchison Signs, Inc. according to the terms of their proposal and/or contract. I fully understand that any changes made after this acceptance constitutes a voluntary alteration of the terms in the original proposal and/or contract which may increase costs and extend production time beyond expected date.

CLIENT APPROVAL
Authorized Signature _____ Date _____

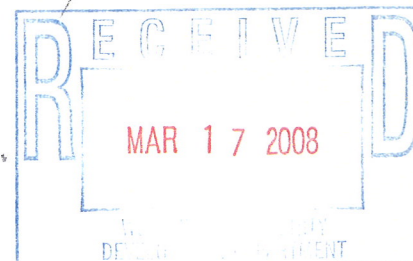
SPECIAL NOTES

raceway color S/W 6642

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Landscape Services, Inc.
Landscape Architecture
Water • Land • Air
1000 N. 10th Street
Westfield, IN 46084
Tel: (317) 253-3147
Fax: (317) 253-9597
www.landscapeinc.com

LANDSCAPE SITE PLAN



PROPOSED DEVELOPMENT

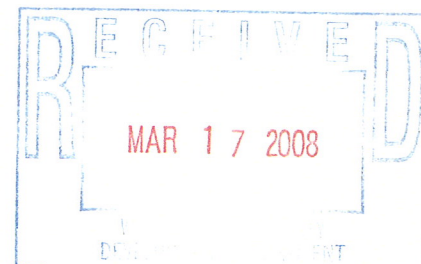
STATE ROAD 32 & CAREY ROAD (SWC)
WESTFIELD, INDIANA

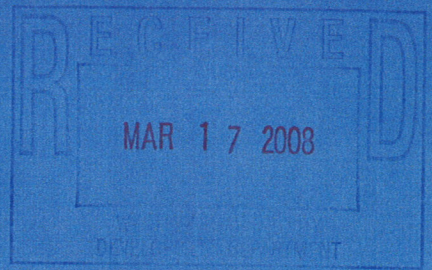
CITY SUBMITTAL FEBRUARY 27, 2006



COMMERCIAL REAL ESTATE SERVICES
1036 E. 10th Street
Indianapolis, Indiana 46220
Ph: (317) 253-3147 Fax: (317) 253-9597

Lamson & Condon
ARCHITECTURE
INTERIOR DESIGN
(OVERALL)





EX-117
MAR 17 2008





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